

APR 9 1974
Tapes Reply
Set Today by
White House

By Richard L. Lyons
Washington Post Staff Writer

Presidential counsel James D. St. Clair has promised the House Judiciary Committee an answer today on whether the White House will turn over tapes requested for the impeachment inquiry of President Nixon.

Word that St. Clair would meet the deadline set last week was given the committee yesterday at another of its periodic briefing sessions with top staff on the progress of the preliminary impeachment investigation.

Chairman Peter W. Rodino (D-N.J.) said he would call a formal committee meeting for Wednesday or Thursday to issue a subpoena for the 41 or 42 presidential tapes should St. Clair's answer be no. Rodino suggested that the committee might also want to authorize him and the committee's senior Republican, Rep. Edward Hutchinson (Mich.) to issue subpoenas as necessary during the 10-day Easter recess beginning Thursday afternoon.

Although the committee discussion sounded as though members expected a rejection of their request, St. Clair's letter promising a response said he felt his talks with John Doar, committee counsel, have made "progress" in specifying the materials sought by the committee and said he hoped that "continued joint efforts will result in a solution."

St. Clair has contended during the six weeks since the committee first requested the tapes that their request was not sufficiently precise, though it specified in every case the dates and participants in conversations requested.

Doar said the conversations

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were between Mr. Nixon and five former or present high officials and all concerned the Watergate cover-up.

Rodino said he will also call a committee meeting immediately after the recess, during the week of April 22, to discuss "whether and how the issues can be narrowed."

The purpose of this is to throw out, without spending more time on them, any allegations against the President by House members which appear to be without substance or politically unrealistic. Doar has said the staff has found no substance in two or three allegations of White House misuse of federal agencies for political purposes. Some committee members would like to throw out charges such as attempted dismantlement of the Office of Economic Opportunity or the 1969 secret bombing of Cambodia.

Rodino said that during the following week, running into the first of May, he will call a meeting to decide some of the ground rules for meetings beginning probably May 6 when the committee will receive evidence assembled by the staff bearing on the question of whether Mr. Nixon should be impeached for Watergate or other matters.

The committee continued partisan bickering yesterday, all the while deploring any partisan display on such issues as the stage at and extent to which St. Clair should be permitted to participate in committee proceedings and whether the committee should call live witnesses or make its case on documents and tapes.

Republicans suspect Democrats may try to limit evidence to the written or recorded record and thus avoid the issue of whether St. Clair should be permitted to cross-examine witnesses.

The strain that has developed between minority counsel Albert Jenner and some committee Republicans who feel he is not sufficiently Republican in his approach showed up when Hutchinson identified Jenner as having prepared a minority report last week strongly urging that

St. Clair be permitted to cross-examine.

Jenner responded that minority members had requested him to prepare a report, as was their right, but that most of the work was done by two young lawyers on the minority staff and Jenner's participation was largely limited to attempts to "eliminate some abrasive remarks." Jenner said he worked more on and wholly supported the memo submitted last week by Doar which proposed putting off a decision on St. Clair's participation until after the committee has received the evidence from its staff. Doar and Jenner have agreed on all issues during the inquiry.

The impeachment issue was first mentioned on the Senate floor yesterday by Majority Leader Mike Mansfield, who said that if the House casts a majority vote to impeach the President he would propose a closed session of the Senate to act on procedural rules for his trial. It would take a two-thirds Senate vote to remove the President from office. Mansfield also urged commentators and others to stop taking premature polls of Congress on impeachment and generally keep quiet and let Congress perform its constitutional assignment.

Late yesterday seven Republican members of the House Judiciary Committee took the floor to denounce the Democratic leadership and the committee staff for delays in the impeachment inquiry.

They were led by Rep. Robert McClory (R-Ill.) who told a near-empty chamber that public acceptance of the committee's work depends on a speedy and thorough completion of the inquiry which was started last October. If Mr. Nixon's attorney, James St. Clair, is not allowed to sit in and cross-examine witnesses, McClory said, "it will be interpreted that the hearings are partisan and unfair."

Among the other speakers was Rep. Lawrence Hogan (R-Md.) who assailed the committee staff for its memorandum of impeachable offenses. Hogan said the memorandum was "a very skimpy analysis slanted against the President."